

REMARKS

Claims 53-79, 82-86, 88-99 and 105-115 were previously pending in this application, with claims 53-67, 76-79, 82-86, 88-99, and 105-115 being withdrawn. Claims 68 and 73 are amended. As a result, claims 68-75 are pending for examination with claims 68 and 73 being independent claims. No new matter is added.

I. **Interview Summary**

Initially, Applicant's representative Walt Norfleet thanks the Examiner for his courtesy in conducting a telephone interview on July 9, 2007. During the interview, the rejections of independent claims 68 and 73 over U.S. Patent No. 3,842,840 (Schweizer) were discussed. The Examiner provided an initial indication that claims 68 and 73 would distinguish Schweizer, if amended as discussed herein, but reserved a final decision until receipt of this amendment. The comments made throughout the interview are summarized by the remarks herein.

II. **Claim 68 is Patentable**

Claims 68-70 and 72 stand rejected under 35 U.S.C. §102(b) as being anticipated by Schweizer.

As amended, claim 68 defines a suture wire supply cartridge for a suturing instrument having a drive mechanism. The suture wire supply cartridge comprises, among other features, a elongated suture wire guide defining a guide pathway for delivering suture wire from the cartridge. The suture wire supply cartridge has an opening position proximal to a distal end of the guide pathway.

In the device of Schweizer, as discussed during the interview, a length of suture is extended from a spool of a cartridge along the direction of a pathway in the cartridge. The suture is placed in a grip 56 at the end of the cartridge such that a portion of the suture is held across a space between the jaws. (See generally col. 1, lines 52-57; col. 3, lines 29-31; and Fig. 5). The device is then actuated so that a needle with a bifurcated end passes through the space and carries the suture in a different direction than that of the pathway, through flesh and into another jaw. (See generally col. 1, lines 52-57, and Fig. 5). Another length of suture may then be placed in the grip at the end of the cartridge and the process repeated. (See generally, col. 3, lines 29-31).

Nowhere does Schweizer show a suture wire supply cartridge that has a guide pathway for delivering suture wire from the cartridge and an opening positioned proximal to a distal end of the guide pathway, as now recited by claim 68. Rather, as discussed above and during the interview, any guide pathway shown by Schweizer ends at the space of the Schweizer cartridge. That is, there is no guide pathway in Schweizer that lies forward of the feature that the Examiner has equated with the claimed opening. The cartridge of Schweizer does have a grip that lies forward of the space, but this grip is not for delivery suture wire, like the claimed guide pathway. Instead, the grip is configured to hold suture stationary.

For at least these reasons, independent claim 68 and claims 69-72 depending therefrom are patentable over the Schweizer reference. Accordingly, withdrawal of this rejection is respectfully requested.

III. Claim 73 is Patentable

Claims 73-75 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Schweizer.

Claim 73 defines a suture wire supply cartridge for a suturing instrument. The suture wire supply cartridge comprises, among other features, a guide tube defining a guide pathway for delivering suture wire from the cartridge. A guide tube support is connected between a housing and a guide tube. The guide tube support has at least one opening position proximal to a distal end of the guide pathway.

As discussed during the interview, independent claim 73 is amended in a manner consistent with that of independent claim 68, and is believed to be patentable over Schweizer for at least the same reasons. Accordingly, independent claim 73 and claims 74 and 75 depending therefrom are believed to overcome the rejections in view of Schweizer. Withdrawal of this rejection is respectfully requested.

CONCLUSION

A Notice of Allowance is respectfully requested. The Examiner is requested to call the undersigned at the telephone number listed below if this communication does not place the case in condition for allowance.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

Respectfully submitted,

By:



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